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Notice of Allowability

Application No.

10/034,151

Examiner

Ronald Laneau

Applicant(s)

MENDIZABAL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/12/07.
2. ☒ The allowed claim(s) is/are 1,14,22-38 now renumbered as 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ronald Laneau

Ronald Laneau
Primary Examiner
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Reasons for Allowance

1. Claims 1, 14 and 22-38 are allowed now renumbered as 1-19.

The following is an examiner's statement of reasons for allowance:

None of the references, either singularly or in combination, discloses the totality of combined elements as the following:

As per claims 1, 22-30 and 33-37, a computer method of auctioning at least one claim or asset in bankruptcy over a communication network, said method comprising the steps of: determining a market value of said at least one claim or asset using historical data of same or similar claims or assets, said determining comprising: accessing historical data of sales of claims or assets previously recorded, determining a claim or asset unit value based on said historical data, and formulating said market value based on said claim or asset unit value and number of said claims or assets available; dynamically adjusting said market value based on known factors; registering ones of said buyers who have expressed an interest in bidding on said at least one claim or asset; obtaining bids from said registered buyers over said network; and accepting a highest one of said bids if said highest one of said bids satisfies a predetermined criteria and notifying said registered buyer from which said highest one of said bids was obtained of the acceptance thereof; or rejecting said bids if said bids do not satisfy said predetermined criteria.

As per claims 14, 31, 32, and 38, a computer system for auctioning at least one claim or asset in bankruptcy over a communication network, said system comprising: code for determining a market value of said at least one claim or asset using historical data of same or similar claims or assets, said determining comprising: accessing historical data of sales of claims or assets previously recorded, determining a claim or asset unit value based on said historical

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data, and formulating said market value based on said claim or asset unit value and number of said claims or assets available; code for dynamically adjusting said market value based on known factors; code for registering ones of said buyers who have expressed an interest in bidding on said at least one claim or asset; code for obtaining bids from said registered buyers over said network; and code for accepting a highest one of said bids if said highest one of said bids satisfies a predetermined criteria and notifying said registered buyer from which said highest one of said bids was obtained of the acceptance thereof; or code for rejecting said bids if said bids do not satisfy said predetermined criteria; a processor in communication with said memory operable to execute said codes within said memory.

The closest prior art, Goodwin et al (US 2003/0220867 A1) discloses systems and methods for trading products and services over a computer network in which an item information is received from a seller, the item information is displayed to an interested user, and a bid is displayed to users if the bid is acceptable; Li (US 6,453,303 B1), on the other hand, discloses a system for automatically generating and displaying market analysis related to financial assets whereby the analysis is provided for substantially all financial assets; the system includes a computer, database accessible by the computer and having stored thereon historical and real time data relating to a financial asset, and software executing on the computer for generating and displaying market analysis; McAfee et al (US 6,718,312 B1) disclose a method and system for dynamic combinatorial auctions employing bid composition restrictions such as non-additive activity restriction, subset restrictions, and superset restrictions; these restrictions produce more efficiently auction outcomes by placing extra constraints on bidders who specify larger

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combinations in their bids, thereby penalizing attempts at strategic bidding without ruling out genuine attempts to avoid an exposure problem, but fails to disclose the above claimed features.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

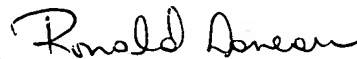
- Sternberg (US 2006/0229973 A1) discloses transaction structures, systems, and methods for issuing a debt instrument backed by a market value of an asset.
- Erez et al (US (2006/0184443 A1) discloses a method an on-line forum auctioning intangible assets.
- Guse et al (US 2003/0097282 A1) disclose an intellectual property asset title insurance and system for providing title insurance for intellectual property assets.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau
Primary Examiner
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